

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLA HOOVER, et al.,

Plaintiffs,

v.

STEVEN G. ROSSER, et al.,

Defendants.

Civil Action 2:19-cv-1453
Judge George C. Smith
Magistrate Judge Jolson

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on June 25, 2019 and was attended by:

David A. Goldstein , counsel for plaintiff(s) Carla Hoover, et al. ,

Gina M. Piacentino , counsel for plaintiff(s) Carla Hoover, et al. ,

Barton R. Keyes , counsel for plaintiff(s) Carla Hoover, et al. ,

Rex H. Elliot , counsel for plaintiff(s) Carla Hoover, et al. ,

Larry H. James , counsel for defendant(s) Rosser and Lancaster ,

Christopher R. Green , counsel for defendant(s) Rosser and Lancaster ,

Natalie P. Bryans , counsel for defendant(s) Rosser and Lancaster ,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

Yes X No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by: **Not applicable.**

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

Yes X No

If yes, describe the issue: **None.**

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by:

Not applicable.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by September 15, 2019.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by: **Not applicable.**

5. MOTIONS

- a. Are there any pending motion(s)?

Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number: **Not applicable.**

- b. Are the parties requesting expedited briefing on the pending motion(s)?

Not applicable.

If yes, identify the proposed expedited schedule:

Not applicable.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

The claims in this case arise from various criminal complaints filed by Defendants against Plaintiffs for alleged violations of O.R.C. 2907.40(C)(2). Plaintiffs' Complaint sets forth five causes of action: (1) malicious prosecution in violation of the Fourth and Fourteenth Amendments and Ohio common law; (2) civil conspiracy to violate the Fourth and Fourteenth Amendment; (3) abuse of process in violation of Ohio common law; (4) violation of civil rights pursuant to 42 U.S.C. 1983; and (5) violation of civil rights pursuant to 42 U.S.C. 1983. Both parties have issued a jury demand.

The Defendants raise the issue as to the status of the City of Columbus ("City") as a potential party in this lawsuit. To date, the City has not been joined as a defendant.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by March 16, 2020. The parties to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.
- b. Do the parties anticipate the production of ESI? _____ Yes No

If yes, describe the protocol for such production: **Not applicable.**

Do the parties intend to seek a protective order or clawback agreement? **The parties have not yet agreed that a Protective Order is necessary in this case or the terms thereof.**

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by April 6, 2020.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes _____ X _____ No

If yes, identify the proposed expedited schedule: **Not applicable.**

Opposition to be filed by April 27, 2020; Reply brief to be filed by May 11, 2020.

9. EXPERT TESTIMONY

Yet to be determined.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by July 31, 2019. Defendant will respond by August 30, 2019. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

March 2020

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place _____ in chambers by telephone.

A preliminary pretrial conference has been set for July 10, 2019 at 1:45 PM. Call-in instructions have been provided to the parties and Court.

_____ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

The status of the City as a potential party in this lawsuit. To date, the City has not been joined as a defendant.

Signatures:

Attorney for Plaintiff(s):

/s/ David A. Goldstein (0064461)
Counsel for Carla Hoover, et al.

/s/ Rex H. Elliott (0054054)
/s/ Barton R. Keyes (0083979)
Co-Counsel for Carla Hoover, et al.

/s/ Gina M. Piacentino (0086225)
Co-Counsel for Carla Hoover, et al.

Attorney for Defendant(s):

/s/ Larry H. James (0021773)
*Counsel for Steven G. Rosser and Whitney
Lancaster*

/s/ Christopher R. Green (0096845)
*Counsel for Steven G. Rosser and Whitney
Lancaster*

/s/ Natalie P. Bryans (0097697)
*Counsel for Steven G. Rosser and Whitney
Lancaster*